

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MARK CUBAN,

Defendant.

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Case No.: 3:08CV2050-D

**NOTICE OF SUBPOENA ON NON-PARTY
FOR THE PRODUCTION OF DOCUMENTS**

PLEASE TAKE NOTICE that, pursuant to Fed.R.Civ.P. 45, Plaintiff Securities and Exchange Commission has served or will serve a subpoena on the person listed below requiring the person to produce and permit inspection and copying of the documents described in the attachment to the enclosed subpoena, which are in the person's possession, custody, or control, at the offices of the Securities and Exchange Commission, located at 801 Cherry Street, Suite 1900, Fort Worth, Texas 76102 on April 13, 2009 at 5:00 pm.

Paul Weick, as Legal Counsel and Records Custodian
KeyBanc Capital Markets Inc.
127 Public Square, Second Floor
Cleveland, OH 44114-1306

Dated: April 1, 2009

Respectfully submitted,

s/ Toby M. Galloway

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2009, I served a true and correct copy of the foregoing *Notice of Subpoena* by facsimile and depositing in an authorized Federal Express depository at Fort Worth, Texas, with overnight express charges prepaid and addressed to the parties and persons entitled to notice.

s/ Toby M. Galloway
Toby M. Galloway